

AN ACT

RELATING TO REMOVING OR ATTEMPTING TO REMOVE A COMMUNICATION OR CONTROL DEVICE FROM THE POSSESSION OF A PEACE OFFICER OR CORRECTIONAL OFFICER, INTERFERENCE WITH OFFICIAL ACTS, AND PROVIDING PENALTIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 702.11, subsection 2, Code 2013, is amended by adding the following new paragraph:

NEW PARAGRAPH. *h.* Removal of an officer's communication or control device in violation of section 708.12, subsection 3, paragraph "f".

Sec. 2. NEW SECTION. 708.12 Removal of an officer's communication or control device.

1. As used in this section, "*officer*" means peace officer as defined in section 724.2A or a correctional officer.

2. A person who knowingly or intentionally removes or attempts to remove a communication device or any device used for control from the possession of an officer, when the officer is in the performance of any act which is within the scope of the lawful duty or authority of that officer and the person knew or should have known the individual to be an officer, commits the offense of removal of an officer's communication or control device.

3. *a.* A person who removes or attempts to remove an officer's communication or control device is guilty of a simple misdemeanor.

b. A person who knowingly or intentionally removes or attempts to remove a communication or control device from the possession of an officer with the intent to interfere with the communications or duties of the officer, is guilty of a serious

misdemeanor.

c. If a violation of paragraph "a" results in bodily injury to the officer the person is guilty of a serious misdemeanor.

d. If a violation of paragraph "a" results in serious injury to the officer the person is guilty of an aggravated misdemeanor.

e. If a violation of paragraph "a" occurs and the person knowingly or intentionally causes bodily injury to the officer the person is guilty of an aggravated misdemeanor.

f. If a violation of paragraph "a" occurs and the person knowingly or intentionally causes serious injury to the officer the person is guilty of a class "D" felony.

Sec. 3. Section 719.1, subsections 1 and 2, Code 2013, are amended to read as follows:

1. a. A person who knowingly resists or obstructs anyone known by the person to be a peace officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, in the performance of any act which is within the scope of the lawful duty or authority of that officer, emergency medical care provider under chapter 147A, or fire fighter, whether paid or volunteer, or who knowingly resists or obstructs the service or execution by any authorized person of any civil or criminal process or order of any court, commits a simple misdemeanor. In addition to any other penalties, the punishment imposed for a violation of this subsection shall include assessment of a fine of not less than two hundred fifty dollars. ~~However, if~~

b. If a person commits interference with official acts, as defined in this subsection, which results in bodily injury, the person commits a serious misdemeanor.

c. If a person commits interference with official acts, as defined in this subsection, which results in serious injury, the person commits an aggravated misdemeanor.

d. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts bodily injury other than serious injury, that person commits an aggravated misdemeanor.

e. If a person commits an interference with official acts, as defined in this subsection, and in so doing inflicts or attempts to inflict serious injury, or displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, that person commits a class "D" felony.

2. a. A person under the custody, control, or supervision

of the department of corrections who knowingly resists, obstructs, or interferes with a correctional officer, agent, employee, or contractor, whether paid or volunteer, in the performance of the person's official duties, commits a serious misdemeanor.

b. If a person violates this subsection and in so doing commits an assault, as defined in section 708.1, the person commits an aggravated misdemeanor.

c. If a person violates this subsection and the violation results in bodily injury to another, the person commits an aggravated misdemeanor.

d. If a person violates this subsection and the violation results in serious injury to another, the person commits a class "D" felony.

e. If a person violates this subsection and in so doing inflicts or attempts to inflict bodily injury other than serious injury to another, displays a dangerous weapon, as defined in section 702.7, or is armed with a firearm, the person commits a class "D" felony.

f. If a person violates this subsection and uses or attempts to use a dangerous weapon, as defined in section 702.7, or inflicts serious injury to another, the person commits a class "C" felony.

PAM JOCHUM

President of the Senate

KRAIG PAULSEN

Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 384, Eighty-fifth General Assembly.

MICHAEL E. MARSHALL

Secretary of the Senate

Approved _____, 2013

TERRY E. BRANSTAD

Governor